A COMPARATIVE STUDY OF THE RIGHT TO PRIVACY IN INDIA AND USA WITH SPECIAL REFERENCE TO ARTICLE 21 OF THE INDIAN CONSTITUTION

Synopsis Submitted to
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Nanded, Maharashtra State, India

For the Registration leading to Ph.D.

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INTRODUCTION

1.0 Introduction to Research

Article 21 of Indian Constitution states that "No person shall be deprived of his life or personal liberty except according to procedure established by law". After reading Article 21, it has been interpreted that the term 'life' includes all those aspects of life which go to make a man's life meaningful, complete, and worth living.

Right to Life did not complete without right to privacy. Technology has invaded every part of our lives whether the invasion was desired or not, we cannot be sure whether what we say has been heard by a third party as well whether that was desired or not. We have our lot of information in our mobile and while downloading any app in the mobile we will give consent to share all information of our mobile to that application making company. whatever you share in social media, the world will get to know before you realize it.

The Constitution of India encompasses the Right to Privacy under Article 21, which is a requisite of the right to life and personal liberty. the term 'privacy', it is a dynamic concept and it is a part and parcel of right to life and personal liberty. The scope of Article 21 is multi-dimensional under the Indian Constitution. Law of Torts, Criminal Laws as well as Property Laws also recognize the right to privacy. Privacy is something that deals with the individual privacy and also which was needed to be protected earlier before the passing of a landmark case, i.e., K.S. Puttaswamy v. Union of India in 2017 as it was, previously, not considered as a fundamental right under the Indian Constitution. However, our Indian judiciary has, at present, carved out a distinctive precinct regarding privacy and an upshot of that is the Right to Privacy, it is, now, recognized as a fundamental right, which is intrinsic under Article 21.

In the USA the right to privacy often must be balanced against the state's compelling interests, including the promotion of public safety and improving the quality of life. In the United States, the right to privacy has been carved out of various rights, including the Fourth Amendment, Fourteenth Amendment, and the Ninth Amendment. The US Supreme Court upheld an illegal search and seizure as violative of the indefensible right to personal security, personal liberty, and private property in *Boyd v. the United States* in 1886.

In the USA the right to privacy often means the right to personal autonomy, or the right to choose whether or not to engage in certain acts or have certain experiences. U.S. Constitution has been recognized the right to privacy through its various amendments like Protection of the privacy of beliefs, protection of the privacy of the home against the use of it for housing soldiers, protection of privacy against unreasonable searches, protection against self-incrimination, which in turn protects the privacy of personal information.

The right to privacy is most often cited in the Due Process Clause of the 14th Amendment, which states: No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The developments in technology have changed the world into the digital world and now on the brisk of taking over the privacy of an individual. As the connectivity and access of information increased, also increases the risks of a personal data breach, inequality in social life.

Technology thus does not only influence privacy by changing the accessibility of information, but also by changing the privacy norms themselves. For example, social networking sites invite users to share more information than they otherwise might. This "oversharing" becomes accepted practice by the people. But most of us don't know that anyone can misuse that information.

In this situation protection of the right to privacy of citizens is very necessary and even after 3 years of K.S. Puttaswamy v. Union of India judgment, neither any express provision is made in the constitution or nor any legislation was enacted to protect right of privacy of the citizen.

2.0 Statement of Problem:

Despite of Privacy is a fundamental human right provided in various numerous international treaties and conventions. It is important for protection of human dignity and is one of the essential pillars for a democratic nation. It supports one's own rights and others' rights as well and even after recognition given by Supreme court of India that the Right to Privacy is a fundamental right included in art 21 of the constitution, there are neither any express provision added in the constitution nor any separate law enacted for protection of Right to Privacy in India. In today's digital world of social media, it is very imp. to protect privacy of each individual as personal information like mobile number, email id, location details, personal photos, contact details are available to mobile service provider, various application downloaded in our mobile, social media platform like Facebook, twitter, Instagram, WhatsApp and they can use your personal information for commercial purpose, even sell this information to other commercial institutions.

Researcher undertaking research to elaborate the concept and importance of Right to Privacy, and how in today's digital world and excessive use of social media in day-to-day life the right to privacy in danger, due to treat of data theft.

There is no express provision in Constitution of India and no exclusive law to protect right to privacy of our citizen and necessity of express provision in our constitution and also separate law to protect right to privacy in India as per provisions of USA Constitution and various Laws of USA to protect right to privacy of their citizens.

3.0 Aims and Object of the Study:

1) A comparative study ofDevelopment of right to Privacy in India & USA
2) To study that what kinds of rights available under right to privacy as mention in UDHR and ICCPR
3) To study about the concept of right to privacy under Art. 21 of the Constitution of India
4) To study how the Right to Privacy is in danger in today's digital world and excessive use of social media
5) To study the impact of judgment of J. Puttaswamy v. UOI on Right to Privacy in India
6) To Stress the need of express provision of right to privacy in Indian Constitution as per the provisions of USA Constitution

7) To study the legislations enacted in USA for protection of Right to Privacy in USA

8) To study the Necessity of exclusive legislation to protect right to privacy of citizens in India

9) Need to protect the Aadhar data and social media data of the Indian citizens through Regulator.

4.0Significance of Study:

Right to privacy is one such right which has come to its existence after widening up the dimensions of Article 21. The constitution in specific doesn't grant any right to privacy as such. However, such a right has been recognized by the Supreme Court from Art. 21 of the Indian constitution. In this research we will be discussing over a new dimension of Art. 21 that is the Right to Privacy and comparative study of it with USA constitution.

Privacy enables us to create boundaries and protect ourselves from unwarranted interference in our lives, allowing us to negotiate who we are and how we want to interact with the world around us. Right to Privacy protects us from arbitrary and unjustified use of power by states.

5.0 Area of Research:

The present study is related to the Comparative analysis of right to privacy in India and USA. This Research aims at making an in-depth study about right to privacy in Indian constitution and USA Constitution with present legislation for protection of right to privacy in India as comparison with USA.

Researcher also aims to study the Global laws related to right to privacy like UDHR, ICCPR, GDPR. The Human rights Law i.e. The Protection of Human Right Act 1993, NHRC, Protection of Human Rights(amendment) Act 2006, IPC 1860, CRPC. Cyber Laws, Information Technology Act 2000, IPR. Competition Act 2002. Consumer Protection Act 1986 andthe existing laws available for Protection of Right to Privacy in India.

6.0 Review of Literature

I. **Justice B N Srikrishna committee report on data protection law -** A committee headed by retired Supreme Court Judge Justice BN Srikrishna has submitted its report on "Data Protection Framework" to the Government on 28-Jul-2018. The report has emphasized that interests of the citizens and the responsibilities of the state have to be protected, but not at the cost of trade and industry. Upon the report of the Committee Central Govt drafted The Personal Data Protection Bill, 2019 and introduced in Parliament. This draft bill introduced Data Protection Framework for protection of privacy data.

II. **A Brief History of Information Privacy Law by Daniel J. Solove -** This Research Article provides a brief history of information privacy law in the United States from colonial times to the present. It explores how the law has emerged and changed in response to new technologies that have increased the collection, dissemination, and use of personal information.

III. **Article 21: The Code of Life, Liberty and Dignity in the Indian Constitution Hardcover – 1 January 2020 by S. Sivakumar and G. Kameswari, Generic Publication (Jan 2020) –** Author demands that in any democracy, it is the duty of the government to adopt appropriate measures to safeguard life by making laws to protect the lives of the country's citizens. Article 21 of the Constitution of India thus embodies a value of supreme importance. Couched in negative language, the article states that no one shall be deprived of his life or personal liberty except according to the procedure established by law. From static, mechanical and purely literal interpretation of the article in A. K. Gopalan characterized as a 'high water mark of legal positivism' in 1950, there has been a transformation in the attitude of the apex court towards the protection of life and liberty especially after Maneka Gandhi in 1978.
After many Judicial pronunciations Article 21 is regarded as the core of fundamental rights, has become a source of many substantive rights for the people. Article 21 is a detailed discussion of the evolution of various facets of the eponymous article over the last 70 years.

IV. **Right to Life and Personal Liberty Hardcover by Dr. Shilpa Jain (Author), Satyam Law International Publication (Jan 2017) –**The Author stated that Article 21 of the Constitution guarantees 'right to life' which is res integra to our Constitution. Article 21 has been subject of judicial interpretation over years and its scope has been expanded by the judiciary so as to give rise to rights which in a literal sense do not exist within the Constitution, or in other words un-enumerated rights. Therefore, CASIHR undertook the work of a case digest on various facet of Article 21 with human rights perspective in its hindsight to analyze upon the basic

human rights to which an individual is entitled and overlook the evolution of entire human rights law under the Constitution which in fact has emanated out of liberal and ever-expanding scope of Article 21.

The aim of this digest is to examine the various aspects of Article 21 of the Constitution, which indeed is the most important rights guaranteed under Part III of the Constitution. However, it is pertinent to observe that Hon'ble Supreme Court has in its capacity as custodian of the Constitution, delivered these judgments so as to ensure basic human rights to the masses of poor and illiterate citizenry of India.

V. **The Right to Privacy in India: Concept and Evolution Paperback – by Ravinder Kumar and Gaurav Goyal, Lightning Source Publication (Jan 2016) -** Gaurav Goyal and Ravinder Kumar argue that privacy laws in India are weak because politicians have failed to pass laws to protect it. Even in the West, it's not always clear what's protected in terms of privacy. They further argue that one's private sphere is subjective and depends on one's culture, environment, and economic condition. For instance, the media constantly infringe on the right to privacy of famous and even not-so-famous individuals. In examining privacy in India, the authors highlight: - why certain classes of people enjoy more privacy than others; - how technology is changing the way we approach privacy; and - why people feel compelled to snoop into the personal space of others. While privacy may seem like a simple concept, it's important to understand its historical context, the laws that govern it, and how it continues to change if you want to have any chance of protecting it in India.

The both legal scholars of India examine privacy in India, how it is different from privacy in the West, and why it needs to be protected are explained in this book.

VI. **Privacy & Data Protection Laws in India, USA & European Union by Javid Ahmad Dar, Walnut Publication (Mar 2019) –**The Author provides an insight of data protection laws keeping in mind the global perspective of business, hence, covers multiple jurisdictions as professionals often are required to know the laws of various regions. This is an effort to present consolidated information on the subject and the content has been kept short & to the point so to help the readers to gain the knowledge without spending the too much of time. This book will help to understand the evolution of right to privacy & data protection laws in India, USA & European Union.

VII. **The Right to Privacy Paperback –, by Caroline Kennedy and Ellen Alderman, Vintage Publication (Feb 1997) –** In this book, the author narrates a story of - the police strip-search a woman who has been arrested for a minor traffic violation? Can a magazine publish an embarrassing photo of you without your permission? Does your boss have the right to read your email? Can a company monitor its employees' off-the-job lifestyles--and fire those who drink, smoke, or live with a partner of the same sex? Although the word privacy does not appear in the Constitution, most of us believe that we have an inalienable right to be left alone. Yet in arenas that range from the battlefield of abortion to the information highway, privacy is under siege.

In this eye-opening and sometimes hair-raising book, Alderman and Kennedy survey hundreds of recent cases in which ordinary citizens have come up against the intrusions of government, businesses, the news media, and their own neighbors. At once shocking and instructive, up-to-date and rich in historical perspective, The Right to Private is an invaluable guide to one of the most charged issues of our time.

VIII. **Privacy and Data Protection Law, by William McGeveran, Foundation Press Publication (Jun 2016) – The Author in this book** introduces a dynamic and rapidly growing field of law that is also fun to teach. Beyond traditional topics like torts or the Fourth Amendment, its coverage extends to statutory and regulatory regimes such as FTC enforcement, medical privacy, and the Patriot Act.

This book devotes significant attention to global privacy law and to data security. By mixing conventional case excerpts with regulatory materials, case studies, and hypothetical problems, *Privacy and Data Protection Law* prepares students for the real-world legal challenges of managing personal information in any type of organization - an increasing need of every client.

IX. **Understanding Privacy and Data Protection - What You Need to Know, by Timothy J. Toohey, West Publishing Co. (Feb2014) - The Author stated that,** Data privacy impacts many aspects of our interconnected life, but can present considerable challenges for anyone attempting to navigate the maze of laws, self-regulation, and best practices that apply to the field. Understanding Privacy and Data Protection provides a timely and succinct survey for understanding the trends that impact data privacy in the age of online behavioral advertising and social networks. Written by a lawyer specializing in data privacy and security matters, the

book goes beyond the headlines to provide guidance about existing US and international laws and the technological developments that impact privacy.

The author explores numerous topical issues and controversies, including the impact of US government surveillance on privacy, biometric identifiers, cloud computing, the Internet of things, big data, and privacy by design. The book also provides a guide to the current cyber security landscape, including the significant impact of unauthorized data breaches, such as hacking attacks, on businesses and individuals. This non-technical book also describes some of the practical steps that may be taken to protect privacy and security, as these fields continue to evolve.

X. **Article by Shubham Mongia** "Legal Analysis of Right to Privacy in India", May 13, 2019. In this article Author stated that, The Constitution of India encompasses Right to Privacy under Article 21, which is a requisite of right to life and personal liberty. Stressing on the term â€˜privacy€™, it is a dynamic concept which was needed to be elucidated. The scope of Article 21 is multi-dimensional under the Indian Constitution. Law of torts, Criminal Laws as well as Property Laws also recognize right to privacy. Privacy is something that deals with individual privacy and also which was needed to be protected earlier before the passing of a landmark case, i.e., K.S. Puttaswamy v. Union of India in 2017 as it was, previously, not considered a fundamental right under the Indian Constitution. However, our Indian judiciary has, at present, carved out a distinctive precinct regarding privacy and an upshot of that is Right to Privacy, it is, now, recognized as a fundamental right, which is intrinsic under Article 21.

XI. **Article by Aastha Ummat**, Privacy as a fundamental right, Oct 5, 2020. The said article provides that, in ancient India, the concept of the right to privacy could be traced out in the ancient text of the Hindus. Hitopadesh enumerates those certain matters such as family matters, worship and sex must be protected from disclosure. Privacy in ancient times was related to 'positive morality'. But this concept was vague in the ancient Indian texts. In modern India, the issue of the right to privacy was discussed for the very first time in the debate of the Constituent Assembly, but it was not included in the Constitution of India. The issue of the right to privacy as a fundamental right under the Constitution and as a common law right has been dealt with since the 1960s.

XII. **Thesis by Chatterjee, Sangeeta**, Title of the Thesis Right to privacy and its current trends a comparative study under the legal systems of USA UK and India, Year2017, Name of the University: University of North Bengal – In this Thesis researcher stated that, Privacy was never an alien in India; rather it was embedded in the deep-rooted custom of the rich cultural heritage of India. The development of Right to Privacy in U.S.A. in the modern period has been based on the Warren-Brandeis article and the search and seizure cases under Fourth Amendment of the U.S. Constitution, the final result of which is the Privacy Act, 1974. U.K. had no law of Privacy; instead, there was the law of breach of confidence. With the help of various legal developments, the Younger Committee Report was submitted in 1972, the final outcome of which is the Data Protection Act, 1998. Though India is lagging far behind U.K. and U.S.A. for protection of Privacy in the modern period, but it is also enriched with various legislative and judicial developments, which ultimately has given rise to the Right to Privacy Bill, 2011, now known as Privacy Bill, 2014. Right to Privacy is an important right under the Right to Life and Personal Liberty as also an integral part of Human Rights Law which is a matter of concern for everybody in the contemporary social scenario. Privacy does not only mean leading an isolated life, but specifically it denotes freedom from unauthorized and unwarranted interference into one's private life.

XIII. **Thesis by Prashant S Desai,** Title of the Thesis Legal protection of right to privacy in the era of information technology a critique, Year31/10/2013, Name of the University Karnataka University. In this thesis researcher elaborates importance and necessity of legal protection to right to privacy and stated that the recognition of 'Privacy' is deeply rooted in history and religion. Several religious Scriptures, texts, and classical write-ups recognize the importance of Privacy. There is recognition of Privacy in the Quran1 and in the sayings of Prophet Mohammed. The Bible has numerous references to Privacy and the Jewish law has long recognized the concept of 'freedom from being watched'. Fifty years ago, George Orwell, the English writer, whose fears for the loss of individual liberty dominated his novels, imagined a totalitarian state where advanced technologies would be used to monitor the people in all their endeavors. "Big Brother' would be watching us and privacy would be a thing of the past". Orwell's fears have come true in this era of Information and Communication Revolution (ICR). Privacy is a fundamental human right recognized in the UN Declaration of Human Rights, the International Covenant on Civil and Political Rights and in many other international and regional treaties. Privacy underpins human dignity and other key values such

as freedom of association and freedom of speech. It has become one of the most important human rights issues of the modem age.

XIV. **M. P. Sharma and Others vs Satish Chandra, 1954-** In this case search and seizure of documents of some Dalmia group companies was challenged before the Supreme Court, on the grounds that they violated their fundamental rights under Articles 19(1)(f) and 20(3) - protection against self-incrimination. The 8-judge bench of the Supreme Court held that the drafters of the Constitution did not intend to subject the power of search and seizure to a fundamental right of privacy. They opined that the Constitution does not include language similar to the Fourth Amendment of the US Constitution, and found no justification to import the concept of a fundamental right to privacy in search-and-seizures.

XV. **Kharak Singh v. The State of U.P.** (1962). In this case the Supreme Court held that the right to privacy is not a fundamental right but a minority opinion recognized the right to privacy as a fundamental right. The minority judges located the right to privacy under both the right to personal liberty as well as freedom of movement.

XVI. **Justice K.S. Puttaswamy (Retd.) & Anr. v. Union of India & Ors.** (2015). In this case Supreme Court over rule the earlier decision given in M. P. Sharma and Others vs Satish Chandra and Kharak Singh v. The State of UP, the issue of privacy was discussed in light of the Unique Identity Scheme. The question before the court was whether such a right is guaranteed under the Constitution, and if it is, the source of this right, given that there is no express provision for privacy in Indian Law. The Attorney General of India argued that privacy is not a fundamental right guaranteed to Indian citizens. Ultimately, the Court left the question to be deliberated by a larger constitutional basis since the earlier judgments that denied the existence of the right to privacy were given by larger benches than the cases where the right to privacy was accepted as a fundamental right. This led to unresolved controversy, leading the Court to refer the matter to a larger bench to be settled. This was settled in the 2017 ruling that there was a fundamental right to privacy in the constitution.

XVII. **Griswold v. Connecticut, 381 U.S. 479 (1965)**, In this landmark case the United States about access to contraception. The case involved a Connecticut "Comstock law" that prohibited any person from using "any drug, medicinal article or instrument for the purpose of preventing conception." The court held that the statute was unconstitutional by a vote of 7–2, the Supreme Court invalidated the law on the grounds that it violated the "right to marital privacy",

establishing the basis for the right to privacy with respect to intimate practices. This and other cases view the right to privacy as a right to "protect[ion] from governmental intrusion." A right to privacy can be inferred from several amendments in the Bill of Rights, and this right prevents states from making the use of contraception by married couple's illegal.

XVIII. **Carpenter v. United States, 267 U. S. 132, 149 (2018):** In this case, **t**he United States Supreme Court held that obtaining cellular location data constitutes a search under the Fourth Amendment of the U.S. Constitution, and thus requires a warrant supported by probable cause. An individual, suspected of being involved in a series of store robberies, sought an order that his rights under the Fourth Amendment, which prohibits unreasonable searches, had been violated when law enforcement obtained records of his cellular location data for the time periods during which the robberies took place. In a 5-4 decision, the Court expressed concern that cell phone records can provide "near perfect surveillance" and that the data is retained for many years and for all users, and held that an individual does have a "reasonable expectation of privacy" in respect of their cell phone location information. Accordingly, the Court ruled that the accessing of the individual's cell phone location data was an unconstitutional search and therefore a violation of the Fourth Amendment i.e., "United States Constitution prohibits unreasonable searches and seizures and requires any search warrant to be judicially sanctioned and supported by probable cause. It is part of the Bill of Rights."

XIX. **Roe v. Wade (1973) –** In this case the issue before the court is: Does the Constitution prohibit laws that severely restrict or deny a woman's access to abortion?

The Court decided that such laws violate the Constitution's right to privacy. The Court held that, under the Fourteenth Amendment Due Process Clause, states may only restrict abortions toward the end of a pregnancy, in order to protect the life of the woman or the fetus.

7.0 Hypothesis:

H1 – Technology is a threat to Right to Privacy,

H2: Right to privacy is in danger due to excessive use of social media and use of Aadhar in various services.

H3: Express provision in Constitution & Exclusive Law for protection of Right to Privacy is necessary in India.

8.0 Research Methodology

8.1 Doctrinal Research:

The data is collected through books, journals, reports, thesis, dissertations, articles, Magazines, Research papers, Various Judgements of Supreme Court, Bill of Rights of USA Constitution, Various Judgments of Federal Court of USA, Various legislations of USA for protection of right to privacy, GDPR of EU.

9.0 Limitation of Study

Researcher's scope of study is limited to Comparative study of Right to Privacy in India and USA only.

10.0 Chapterisation:

1. Introduction
2. Right to Privacy --- Constitutional Perspective.
3. Right to Privacy and International Human Rights.
4. Right to Privacy in India and USA--- Comparative Analysis.
5. Protection of Right to Privacy --- Legislative measures.
6. Right to Privacy-- Judicial approach.
7. Conclusion and suggestions

11.0 Bibliography:

11.1 Indian, International Laws and Conventions

I. Art 21 of the Indian Constitution

II. Bill of rights of USA Constitution

III. Regional and international conventions

India is party to two international instruments containing privacy protections. These are the Universal Declaration on Human Rights (Article 12) and the International Covenant on Civil and Political Rights (Article 17).

IV. GDPR of European Union

V. Justice B N Srikrishna committee report on data protection law

VI. THE PERSONAL DATA PROTECTION BILL, 2019

VII. A Brief History of Information Privacy Law by Daniel J. Solove

11.2 Books

1) Article 21: The Code of Life, Liberty and Dignity in the Indian Constitution Hardcover – 1 January 2020 by S. Sivakumar and G. Kameswari, Generic Publication (Jan 2020)
2) Right to Life and Personal Liberty Hardcover by Dr. Shilpa Jain (Author), Satyam Law International Publication (Jan 2017)
3) The Right to Privacy in India: Concept and Evolution Paperback – by Ravinder Kumar and Gaurav Goyal, Lightning Source Publication (Jan 2016)
4) Privacy & Data Protection Laws in India, USA & European Union by Javid Ahmad Dar, Walnut Publication (Mar 2019)
5) The Right to Privacy Paperback –, by Caroline Kennedy and Ellen Alderman, Vintage Publication (Feb 1997)
6) Privacy and Data Protection Law, by William Mc Geveran, Foundation Press Publication (Jun 2016)
7) Understanding Privacy and Data Protection - What You Need to Know, by Timothy J. Toohey, West Publishing Co. (Feb 2014)

11.3 Articles

(i) Articles.timesofindia.indiatimes.com/2012-10-12/india/34412221_1_rti-act-central-information-commissioners-privacy accessed

(ii) **Shubham Mongia** "Legal Analysis of Right to Privacy in India", May 13, 2019, http://www.legalserviceindia.com/legal/author-1887-qwerty9729.html

(iii)**Aastha Ummat**, Privacy as a fundamental right, Oct 5, 2020, available at http://lawtimesjournal.in/privacy-as-a-fundamental-right/

(iv)**David J. Kessler**, Sue Ross and Elonnai Hickok, Articleon "A comparative analysis of Indian privacy law and the Asia pacific economic cooperation cross-border privacy rules, NLSIU Bangalore - National Law School of India Review (NLSIR) 2014.

(v) **Jyoti Panday**, India's Supreme Court Upholds Right to Privacy as a Fundamental Right-and It's About Time, AUGUST 28, 2017, available at https://www.eff.org/deeplinks/2017/08/indias-supreme-court-upholds-right-privacy-fundamental-right-and-its-about-time

11.4 Journal

(i) Carly Nyst, Tomaso Falchetta, The Right to Privacy in the Digital Age, Journal of Human Rights Practice,Volume9,Issue 1, February 2017, Pages 104–118, https://doi.org/10.1093/jhuman/huw026, Published: 01 February 2017

(ii) Carolyn Doyle & Mirko Bagaric, the right to privacy: appealing, but flawed, Pages 3-36 | Published online: 11 Aug 2006, Download citation https://doi.org/10.1080/13642980500032156

(iii) Rahul Kumar, Jurisprudence of Right to Privacy in India, 12 Pages Posted: 10 Sep 2020 Last revised: 12 Sep 2020, Uttaranchal University

11.5 Case law

I. M. P. Sharma and Others vs Satish Chandra, 1954

II. Kharak Singh v. The State of U.P. (1962).

III. Govind v. State of M.P. (1975).

IV. R. Rajagopal v. Union of India (1994).

V. People's Union for Civil Liberties v. Union of India (1996).

VI. District Registrar and Collector, Hyderabad and another v. Canara Bank and another (2004).

VII. Petronet LNG LTD vs. Indian Petro Group and Another (2006).

VIII. Selvi and others v. State of Karnataka and others (2010).

IX. Unique Identification Authority of India & Anr. v. Central Bureau of Investigation (2014).

X. Justice K.S. Puttaswamy (Retd.) & Anr. v. Union of India & Ors. (2015).

XI. Griswold v. Connecticut, 381 U.S. 479 (1965),

XII. Carpenter v. United States,267 U. S. 132, 149 (2018)

XIII. Roe v. Wade (1973)

11.6 Thesis:

(i) Name of the Researcher Chatterjee, Sangeeta, Title of the Thesis Right to privacy and its current trends a comparative study under the legal systems of USA UK and India, Year 2017, Name of the University University of North Bengal, available at http://hdl.handle.net/10603/214608.

(ii) Name of the Researcher Desai, Prashant S, Title of the Thesis Legal protection of right to privacy in the era of information technology a critique, Year 31/10/2013, Name of the University Karnataka University**, available at** http://hdl.handle.net/10603/98806

Webliography:

(i) Aarushi Sahu, Evolution of Right to Privacy in India, available at: https://www.legalbites.in/evolution-right-privacy-india/(last visited on Feb. 7, 2019).

(ii) Shubham, Evolution of Right to privacy in India, available at: http://www.legalserviceindia.com/legal/article-276-evolution-of-right-to-privacy-in-india.html (last visited on Feb. 7, 2019).

(iii)Evolution of Right to Privacy, India, available at: https://www.lawteacher.net/free-law-essays/constitutional-law/evolution-of-the-right-to-privacy-constitutional-law-essay.php(last visited on Feb7., 2019).

(iv)Landmark Case: Justice K.S. Puttaswamy v. Union of India Decided on 24.09.2017available at: http://www.legalserviceindia.com/issues/topic1609-justice-ksputtaswamyretd-vs-union-of-india.html (last visited on Feb. 22, 2019).

(v) Hinailiyas, Right to Privacy under Article 21 and the Related Conflict, available at:

http://www.legalservicesindia.com/article/1630/Right-To-Privacy-Under-Article-21-and-the-Related-Conflicts.html(last visited on Feb. 22, 2019).

(vi) Aastha Saxena, Evolution of Right to Privacy as Fundamental Right, available at: http://www.legalservicesindia.com/article/2445/Evolution-of-Right-to-privacy-as-Fundamental-right.html(last visited on Feb. 22, 2019)

(vii) **Navtej Singh Johar v. Union of India** Decided on 06.09.2018, available at: https://globalfreedomofexpression.columbia.edu/cases/navtej-singh-johar-v-union-india/ (Last visited on Feb, 25, 2019).

(viii) Right to Privacy and Security of State, available at: https://privacyinternational.org/state-privacy/1002/state-privacy-india (last visited on Feb 25, 2019).

(ix) The Universal Declaration of Human Rights, 1948, available at: Right to Privacy under Article 21 and the Related Conflicts (last visited on Feb. 25, 2019).

(x) The International Covenant on Civil and Political Rights, 1961, available at: Right to Privacy Under Article 21 and the Related Conflicts (last visited on Feb 25., 2019).

(xi) European Convention on Human Rights, 1953, available at: http://www.legalservicesindia.com/article/1630/Right-To-Privacy-Under-Article-21-and-the-Related-Conflicts. html (last visited on Feb. 25, 2019)